

### III. REMARKS

In the Office Action, objection was made to claim 21 for reasons set forth in the Action. Claim 21 is amended by adopting the examiner's suggestions so as to overcome the objection.

Claims 4 and 7 were rejected under 35 U.S.C. 112, first paragraph, for reasons set forth in the Action. Claim 4 is amended to conform the claim to the teaching of the specification, thereby to overcome this ground of rejection. Claim 7 is cancelled in view of the examiner's observation that the claims cannot recite an orthogonal property of CDMA in a TDMA system.

Claims 1-3, 5, 8, 9, 11-17, and 19-23 were rejected under 35 U.S.C. 103 as being unpatentable over Richardson (US 5,369,637) in view of Marshall (US 5,502,744) for reasons set forth in the Action.

The position of the examiner is traversed respectfully in view of the following argument.

Present claim 1 makes reference to a broadcast link and a communications link. Claim 2 states that the broadcast link transfers link maintenance information over one channel from the central node to each of the remote nodes. The one channel operates at a lower data rate to achieve a higher signal-to-noise ratio.

However, Richardson does not teach the concept of a separate radio link for controlling operations of the channels of the main communications link. In Col. 1 at lines 30-35, Richardson

discloses the benefit of having different transmission rates to adapt the transmission system to the needs of the users. This concept is emphasized further in Col. 1 at lines 50-68, and in Col. 3 at lines and 49-55. This concept is also carried forward by Richardson in his claims 4, 5 and 12. It appears that Richardson does not advocate the use of a lower-frequency transmission for a control channel.

Upon combining Richardson with Marshall, Marshall breaks up a speech signal into significant bits (significant in the sense that they are most important for intelligence in understanding the speech) and less significant bits (less significant in the sense that they have diminished importance for intelligence in understanding the speech). This is disclosed in Col. 1 at lines 48-60. Then, in the interest of improving transmission speed, Marshall transmits the less significant bits at a higher data rate, while retaining a smaller data rate for a more reliable transmission of the more significant bits.

The technique of Marshall in discriminating between more significant bits and less significant bits is used in data transmission wherein, in some applications, the less significant bits may be dropped from the transmission altogether, or may be rounded off to provide for a reduced quantity of bits to be transmitted. Marshall's outlook is to transmit all of the bits, but to transmit the less significant bits at a higher rate even though errors may occur in such rapid transmission due to lower signal-to-noise ratio. There is no suggestion in Marshall of a mode of construction of a broadcast link for controlling communications among traffic links of a communications system.

Since neither Richardson nor Marshall provide any suggestions of the construction of a broadcast link for controlling use of

traffic channels, is urged that the combination of their teachings cannot defeat patentability of the present claims. Accordingly, this argument is believed to overcome the rejections under 35 U.S.C. 103 so as to obtain allowable subject matter in the present claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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1 September 2005  
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